REMARKS

Claims 1-61 are pending. Claims 1-61 have been rejected. Claims 1, 14-18, 23, 28, 29, 36, 49 and 54 have been amended. Reconsideration and allowance of claims 1-61 of the application as amended is solicited.

Claim Rejections – 35 U.S.C. § 102

Claims 1-10, 12-17, 20-25, 28-32, 34, 36-45, 47, 49-51, 54-58 and 60 are rejected under 35 U.S.C. 102(e) as being unpatentable by U.S. Patent No. 6,694,359 (Morris, et al.).

Claim 1 has been amended as suggested by the Examiner during a December 7, 2005 telephone conference. Morris fails to teach at least the element of enabling a user to gather and record network device data including hardware or software revision indicia.

During a December 7, 2005 telephone meeting, Applicant and the Examiner spoke about how different Morris' retail inventory information is from hardware/software revision indicia. Specifically, Morris describes a truck that drives from retail store to retail store. See the picture of the truck in Fig. 10. The truck carries a MAS that wirelessly communicates with hand held retail store scanners. See a picture of the store scanners in Fig. 1. The truck/MAS updates the retail store scanners with "inventory count of products, and to use stock locator information to identify where each product of the remaining inventory is stored, when a product is moved from one place to another, and which employee has current charge of that product." See col. 1, lines 50-57. The Examiner acknowledged that retail inventory count information was completely different from hardware/software revision indicia.

Furthermore, applicant explained that there is no suggestion to modify Morris to change the retail inventory information to hardware/software revision indicia. It would require impermissible hindsight to presently look back at Morris and change the retail inventory information to hardware/software revision indicia without identifying a prior motivation for doing so. See MPEP 2143. Morris does not disclose that the change would have been beneficial. Moreover, such a change would alter the principle operation and purpose of Morris. See MPEP 2143 VI. The Examiner expressed during the December 7, 2005 telephone call that Applicant's point regarding a lack of motivation "made a lot of sense."

In contrast, claim 1 teaches a data-gathering circuitry...enabling a user to gather and record...hardware or software revision indicia. One example of hardware revision indicia provided during the December 7, 2005 telephone meeting is the value of the hardware

revision number that may be printed in white letters on a printed circuit board. Thus, claim 1 should be allowed. Claims 2-10 and 12-13 should also be allowed.

Claim 14 has been amended. Support for the amendments can be found in the present specification, page 4, lines 26-34 and page 5, lines 18-19. Morris fails to teach at least the element of automatically initiating communications in response to the physical coupling.

Morris teaches that the MAS on the truck wirelessly transmits foreign agent advertisements to retail stores. See col. 19, lines 45-65. The foreign agent advertisements communicate that the MAS is presently available as a server to receive a wireless call and respond by returning information. In response to the foreign agent advertisements, the retail scanners call the MAS. In response to the call the MAS wirelessly transfers retail inventory information to the retail scanner.

In contrast claim 14 teaches the element of automatically initiating communications in response to the physical coupling. Thus claim 14 should be allowed. Claims 15-17 are dependant and should also be allowed.

With respect to claim 20, Morris fails to teach each and every element. Morris fails to teach at least the element of instructions residing in the network device for programming one or more memory locations in the network device with data regarding a defined identification and a defined configuration of the network device.

The claimed instructions are not disclosed in Morris. The column sections referred to describe a truck including the MAS communicating with a satellite in geosynchronous orbit to determine location information. Once the truck/MAS is in range, the data collection terminal then sends a store ID via a call to the truck/MAS. See col. 18, lines 20-23. The store ID identifies where the data collection terminal 312 is calling from. The truck/MAS then saves into its own DRAM the store ID. See col. 18, lines 20-31. This is the opposite of the claimed instructions. There are no instructions for programming the ID of the truck/MAS into the memory of the truck/MAS, nor are there instructions for programming an ID of the data collection terminal 312 into data collection terminal memory. Instead, the data collection terminal 312 has to initiate a call to send the store ID to the truck/MAS. See FIG. 6.

In contrast, claim 20 teaches the element of instructions residing in the network device for programming one or more memory locations in the network device with data regarding a defined identification and a defined configuration of the network device. This feature allows the external reader to initiate the transfer of a defined identification for the network device from predetermined memory locations.

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Furthermore, claim 20 includes both a defined identification *and* a defined configuration of the network device. Morris also fails to teach data communicating a defined configuration of the network device. A store ID identifying where a data collection terminal 312 is calling from does not communicate a configuration of the data collection terminal 312. Thus, for both reasons, claim 20 should be allowed. Claims 21-22 are dependant and should also be allowed.

Claim 23 has been amended. Support for the amendment may be found in the present specification on page 1, lines 18-19. Claim 23 should be allowed for at least similar reasons as claim 1. Claims 24 and 25 are dependant and should also be allowed. Claim 28 has been amended and should be allowed for at least similar reasons as claim 1. Claims 29-32 and 34 are dependant and should also be allowed. Claim 36 has been amended and should be allowed for at least similar reasons as claim 1. Claims 37-45 and 47 are dependant and should also be allowed. Claim 49 has been amended. Claims 50-51 are dependant and should also be allowed.

Claim 54 has been amended. Support for the amendment may be found in the present specification, page 3, line 13. Morris fails to teach the element of a hand held portable device configured to allow said user to gather and record network device data specific to the network device without relying on a network connection.

In Morris the truck including the MAS drives from one retail store to the next collecting information from the scanning devices. Neither the truck nor the MAS are hand held devices.

There is no suggestion in the prior art at the time the present application was filed to convert the truck or the MAS to be a hand held device. The MAS is a central data depository including a great deal of inventory data from many different stores. The feature for MAS is that it carries all relevant store information up to date. Converting the MAS to a hand held device would make this quality expensive/difficult to achieve. Furthermore, since a truck is already required to carry the radio transmission equipment used by the MAS, there is no transportation advantage to converting the MAS to a hand held device. Given the expense or converting the MAS to a hand held device, and the lack of advantage in doing so, there would have been no desirability to make the conversion.

In contrast, claim 54 includes the element of a hand held portable device configured to allow said user to gather and record network device data specific to the network device without relying on a network connection. Thus claim 54 should be allowed. Claims 55-58 and 60 are dependant and should also be allowed.

Claim Rejections – 35 U.S.C. § 103

Claims 3, 11, 18-19, 26-27, 33, 35, 46, 48, 52-53, 59 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris in view of U.S. Patent No. 6,115,713 (Pascucci, et al.).

Claim 3 includes the element of a data gathering means to gather and record network device data specific to a network device, the network device data including the hostname, the Internet protocol (IP) address, the medium access control (MAC) address, one or more common language Location Identifier (CLLI) codes and physical device location information for the network device. It was alleged that one or ordinary skill in the art would have been motivated to modify Morris with Pascucci to produce each element of claim 3.

Morris teaches away from the modification for at least the reason that the modification would not work. See MPEP 2143 V. The Examiner alleged that the data gathering means was the MAS and the network device was the retail scanner. The retail scanner does not have an IP address or a MAC address. Moreover, since the retail scanner does not connect to the Internet or use Internet Protocol, there would be no benefit or sense in modifying the retail scanner to include these identifiers. Since there is no benefit, one of ordinary skill would not have been motivated to make the change at the time the present application was filed. Such a change would require impermissible hindsight. Thus, claim 3 should be allowed. Claims 11, 18-19, 26-27, 33, 35, 46, 48, 52-53, 59 and 61 are dependant and should be allowed for at least the same reason as their respective base claims.

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CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-61 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 276-4842 if it appears that an interview would be helpful in advancing the case.

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